

REMARKS

Claims 13, 14, 17, 18 and 20 through 30 are pending in this Application. Claims 14, 17, 18, 21 through 23 have been amended, and the specification has also been amended consistent with the Examiner's suggestions. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, Abstract, FIG. 5, [0037] of the corresponding US Pub. No. 2006/0128411. Applicants submit that the present Amendment does not generate any new matter issue.

Claims 22 and 23 were rejected under the first paragraph of 35 U.S.C. § 112 for failing to comply with the written description requirement.

In the statement of the rejection, the Examiner asserted that the recitation of “a computer-readable medium” (presumably intending “a computer-readable tangible storage medium”) was not described in the original specification. This rejection is traversed.

The application recites at least one “register” was depicted in the group communicating server system 21 in FIG. 2. Certainly one having ordinary skill in the art would consider a register (i.e., a memory that has a specific address and that is used to hold information of a specific kind) in this context to constitute “a computer-readable tangible storage medium.” Applicants therefore submit that the imposed rejection under the first paragraph of 35 U.S.C. § 112 failing to comply with the written description requirement is not legally viable and, hence, solicit withdrawal thereof.

Claims 14, 17, 18 and 20 through 30 were rejected under 35 U.S.C. § 103 for obviousness predicated upon *Mathis* (US 2003/0119540) in view of *Griffin et al.* (US 2003/0155447) and *Lopponen et al.* (US 2002/0150091).

In the statement of the rejection the Examiner asserted that one having ordinary skill in the art would have been led to modify the push-to-talk group call method of *Mathis* by including the new “ad-hoc” group selecting step of *Griffin et al.* to allow the user the flexibility to dynamically select who to talk to without being restricted to a predefined group. The Examiner further concluded that that one having ordinary skill in the art would have been led to modify whatever system and method can be said to have been reasonably suggested by the combined disclosures of *Mathis* and *Griffin et al.* by including a feature of sending speech item based on setting defined in user plane functions from *Lopponen et al.* to preset logical connections and shorten a connection set-up time. This rejection is traversed.

In order to reduce issues for potential appeal, Applicant has amended independent claims 14, 17, 18, and 21-23. As amended, independent claims 14, 22 and 23 recite, *inter alia*, “receiving the user’s selection of two or more individual subscribers **as an ad-hoc group** for a new ad-hoc group call from the list via the user interface..., **deleting the ad-hoc group when said new ad-hoc group call ends.**” Independent claims 17, 18 and 21 now recite, *inter alia*, “in response to the user’s selection of two or more individual subscribers *as an ad-hoc group* for a new ad-hoc group call from the list via the user interface ... **wherein the ad-hoc group is deleted when said new ad-hoc group call ends.**”

As admitted by the Examiner, on page 4, second paragraph of the outstanding Office Action, *Mathis* does not disclose an ad-hoc group call and the step of “sending a speech item or

a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call.” The reference to *Griffin et al.* was relied upon by the Examiner to provide the missing teachings.

However, *Griffin et al.* (col. 3, line 46 –col. 4, line 19) merely provide for predefined groups, does not suggest the ad-hoc group call or any ad-hoc group or defined as “the existence of the groups **is limited to the duration of the group call . . .** they are formed **on the need basis . . .** the group members participating in the group are not-predefined but the group consists of people selected based on the subject/need of the call, and optionally, on the presence information of the people to be part of the group call, e.g., user availability, context, location or terminal status;” (*See [0037]* of the corresponding US Pub. No. 2006/0128411).

An applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994). Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999). *See* MPEP § 2111.1 VI and § 2173.05(a). Therefore, the Examiner was obligated to consider the ad-hoc group clearly defined in the specification, yet failed to comment on the ad-hoc group as defined in the outstanding Office Action. Nevertheless, the independent claims are being amended without prejudice or disclaimer to recite that the ad-hoc group is deleted when said new ad-hoc group call ends, in order to accelerate the prosecution.

In particular, *Griffin et al.* state, in paragraph [0050], that “[i]f a user selects or deselects a group entry, all the members of the group are automatically selected or deselected.” A particular function is provided that “presents the user with additional options to manage the group, such as renaming the group, removing the group or its member, adding a new group or individual, collapsing or expanding the group, collapsing or expanding all groups and so on,” (¶ [0050]). However, these groups are still predefined groups, i.e., they are not created and then **deleted** as ad-hoc groups, but are stored as such predefined groups. In this manner, *Griffin et al.* fail to teach “ad-hoc” groups, as the groups are stored as permanent groups.

The additional reference to of *Lopponen et al.* does not fill in the gaps of *Griffin et al.* The reference to *Lopponen et al.* is merely applied for an asserted teaching of “sending speech item based on setting defined in user plane functions.” *Lopponen et al.* are silent regarding “ad-hoc” groups and “ad-hoc” group calls.

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicants do not agree that the requisite realistic motivation has been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir. 1988). Applicants, therefore, submit that the imposed rejection under 35 U.S.C. §103 for obviousness predicated upon *Mathis et al.*, *Griffin et al.* and *Lopponen et al.* is not factually or legally viable and, hence, solicit withdrawal thereof.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the

undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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